

JUDICIAL COUNCIL
OF THE NINTH CIRCUIT

AUG 04 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

IN RE COMPLAINT OF
JUDICIAL MISCONDUCT

Nos. 09-90223, 09-90226 and
09-90227

ORDER

KOZINSKI, Chief Judge:

Complainant, a pro se prisoner, alleges that two district judges and a magistrate judge made various improper substantive and procedural rulings. These charges relate directly to the merits of the judges' rulings and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

Complainant also alleges that the judges were biased and conspired against him, and suspects that they were bribed or subject to "illegal influence." Complainant hasn't provided any objectively verifiable proof to support these allegations. See In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. 2009). Adverse rulings do not constitute evidence of bias or bribery. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. 2009). A review of over 200 pages of exhibits offered to support these charges—including docket

sheets, a state judicial misconduct complaint and several virtually incomprehensible motions in his underlying cases—reveals no proof of misconduct. These claims must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant further alleges misconduct where the judge showed “disregard for time factors.” Because complainant hasn’t alleged the delay was habitual or improperly motivated, these claims must be dismissed. See Judicial-Conduct Rule 3(h)(3)(B); In re Complaint of Judicial Misconduct, 579 F.3d 1062, 1064 (9th Cir. 2009).

The Judicial Conduct and Disability Act does not apply to complainant’s allegations against a United States Supreme Court Justice, state judges, commissioners and court staff. Thus, these charges are dismissed. See 28 U.S.C. § 351(d); Judicial-Conduct Rule 4; In re Complaint of Judicial Misconduct, 569 F.3d at 1093.

Complainant’s request that the judges be criminally prosecuted is dismissed because such relief is not available under the misconduct complaint procedures. See Judicial-Conduct Rule 11(a). Further, because only congress has the power to impeach a federal judge, complainant’s request that the judges be impeached must similarly be dismissed. See U.S. Const. art. I, § 3, cl. 6.

DISMISSED.